

REMARKS

Claims 1, 3-13, 15-25, and 27-40 are all the claims pending in the application. To expedite prosecution, Applicant amends independent claims 1, 13, and 25 to include the features of claims 2, 14, and 26, respectively. Accordingly, Applicant cancels claims 2, 14, and 26 without prejudice or disclaimer. Entry of this Amendment is respectfully requested.

Claims 1, 4-9, 11, 13, 16-21, 23, 25, 28-33, 35, and 37-40 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,298,373 to Burns et al. (hereinafter “Burns”) and claims 2-3, 10, 12, 14-15, 22, 24, 26-27, 34, and 36 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Burns in view of U.S. Patent No. 6,526,580 to Shimomura et al. (hereinafter “Shimomura”).

As acknowledged by the Examiner, Burns does not disclose or suggest the unique features of claims 2, 14, and 26 (now recited in claims 1, 13, and 25, respectively), *see e.g.*, pages 7 and 11 of the Continuation Sheet of the Advisory Action mailed August 22, 2006. Shimomura fails to cure the deficient disclosure of Burns. That is, Applicant does not acquiesce to the relevance of Burns and Shimomura, as alleged by the Examiner, but simply submits that Shimomura is not a prior art reference with respect to the above-identified Application.

Without commenting on the substantive merits of the Examiner’s rejections, Applicant is hereby traversing the prior art rejections of claims 1, 3-13, 15-25, and 27-40 by submitting herewith a Declaration under 37 C.F.R. § 1.131, indicating that the present invention was invented prior to April 16, 1999 (filing date of the Shimomura patent). Applicant respectfully asserts that the Declaration (along with the supporting Exhibits A and B) effectively removes


AMENDMENT UNDER 37 C.F.R. § 1.114(c)
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Shimomura as prior art, thereby overcoming the rejections of claims 1, 3-13, 15-25, and 27-40 under 35 U.S.C. § 103. In view of the foregoing, Applicant respectfully requests the Examiner to reconsider and withdraw the rejection of claims 1, 3-13, 15-25, and 27-40.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly invited to contact the undersigned attorney at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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